

REMARKS

Applicants respectfully submit, contemporaneously herewith, a Request for Continued Examination pursuant to 37 C.F.R. § 1.114.

Appreciation is extended to Examiner Patel for the courtesy of granting an interview on January 22, 2009. At the interview, the independent claims were discussed and they were distinguished over the Himmel reference. Each of the claims calls for the transmission of a list of useable display formats from the data-requesting device (the user) to the data-preparing device at the other end of the network. The data-preparing device then selects a useable format from the list and transmits the data in the selected format. The Examiner indicated that this did not appear to be disclosed by Himmel and that upon receipt of the response, she would update the search and then contact the undersigned if the application is not in condition for allowance so that possible further amendments to the claims could be discussed.

Independent Claims 15 and 16 have been amended to clarify that the data-preparing device automatically selects a single display format from the list of useable display formats transmitted by the data-requesting device. Support for this is found in paragraph 10 of the application as filed wherein Fig. 1 is described as a process for the automatic adaptation of the data to be transferred from the data-preparing device to the data-requesting device in accordance with the capabilities of the data-requesting device.

Each of the independent claims calls for the data-requesting device transmitting to the data-preparing device information data about the capabilities of the data-requesting device wherein the transmitted data includes a list of useable display formats for the data-requesting device. In attempting to meet this limitation, the Examiner refers to column 6, line 44 to column 7, line 38, and column 8, lines 20-41 of Himmel. However, these portions of Himmel do not disclose the transmission of a list of useable display formats. At column 7, line 6, it is disclosed that the client-snooper agent 159 returns enough necessary information about the client device to the client-smart agent 155 but this does not amount to the transmission of a list of useable display formats. In column 8, lines 22-24, it is disclosed that the user can be afforded an opportunity to select the "page formatting" from a list. However, this differs from the claimed step of transmitting the list from the data requesting device to the data preparing device. Furthermore, the selection of the page

Application Serial No. 10/048,114
Amendment After Final dated January 23, 2009
Reply to Final Office Action dated October 17, 2008

formatting from a list is accomplished manually by the user rather than being selected automatically by the data-preparing device at the other end of the network.

The claims are further distinguished from Himmel in that they call for the step of the data-preparing device automatically selecting the single display format from the list of useable display formats transmitted by the data requesting device. In the Office Action at paragraph 7, the Examiner states that Himmel automatically selects the appropriate format. This differs, however, from the data-preparing device being presented with a list of useable formats by the data-requesting device and then automatically selecting a format from that list.

For the reasons set forth above, it is submitted that the claims are not anticipated by Himmel. It is therefore requested that the Examiner reconsider and withdraw the rejections and pass the application to issue.

In the event Applicant has overlooked the need for an extension of time, payment of fee, or additional payment of fee, Applicant hereby petitions therefor and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Respectfully submitted,

John F. Hoffman
Registration No. 26,280

Attorney for Applicants

JFH/nw

BAKER & DANIELS LLP
111 East Wayne Street, Suite 800
Fort Wayne, IN 46802
Telephone: 260-424-8000
Facsimile: 260-460-1700

CERTIFICATION OF ELECTRONIC FILING

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on the date indicated below:

JOHN F. HOFFMAN, REG. NO. 26,280

Name of Registered Representative

Signature

January 23, 2009

Date